IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

WRIT PETITION No. 6566 OF 2001

Date:08.08.2007

BETWEEN:

1. Mr. Vidyasagar, and others

…. PETITIONERS

And

1. Bharat Sanchar Nigam Ltd., Nizamabad Telecom District, Nizamabad, rep. by its General Manager, and another.

…. RESPONDENTS

ORAL ORDER:

Heard learned counsel for the petitioners and Sri S. S. Varma, learned Standing Counsel for the respondents.

The question raised in this writ petition is not *res integra* but squarely covered by the order passed by this Court in W.P.No.18625 of 1996 dated 11th September, 1996. This Court after referring to the terms and conditions relating to the additional security deposit held that the said security deposit can be enhanced depending upon the income of the public telephone and the same is to be paid as and when demanded by the Department. Under those circumstances, it cannot be said that the demand made by the respondent-Telecommunications Department is either illegal or arbitrary or that the same is violative of any statutory provision as observed by this Court, the additional security deposit is demanded from the petitioners pursuant to terms and conditions which the petitioners themselves have voluntarily agreed at the time of allotment of the telephones. The payment of that security deposit and additional security deposit constitute the terms of the contract. The demand itself is with a view to ensure payment of regular bills by the allottees and the amounts so demanded towards the additional security deposit commensurate with the billing average/calling rate in respect of each of the STD/Public Telephone Booth. Obviously, the intention is to have necessary security at least to ensure the realistion of the amounts in case of default by the allottees.

In my considered opinion, the impugned demands do not suffer from any infirmity warranting interference of this Court.

However, the learned counsel for the petitioners would urge that the impugned demand by the respondent-Department is excessive and the same does not reflect the correct average. This question cannot be gone into by this Court. It is a disputed question of fact and if any of the petitioners is aggrieved, he is entitled to got the mistake, if any, rectified, in accordance with law.

The Writ Petition fails and shall accordingly stand dismissed. No costs.

_____

(A. GOPAL REDDY, J.)

8th August, 2007
Js.